

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA, : X 09-CR--573(BMC)

5 -against- United States Courthouse
6 Brooklyn, New York

7 EARL MORGAN, Friday, January 28, 2011
8 2:00 p.m.
9 Defendant.

10 TRANSCRIPT OF CRIMINAL CAUSE FOR GUILTY PLEA
11 BEFORE THE HONORABLE BRIAN M. COGAN
12 UNITED STATES DISTRICT JUDGE

13 A P P E A R A N C E S:

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22 Proceedings recorded by computerized stenography. Transcript
23 produced by Computer-aided Transcription.

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1 (In open court.)

2 (Defendant present in open court.)

3 COURTRoom DEPUTY: All rise, the United States
4 District Court for the Eastern District of New York is now
5 in session, the Honorable Brian M. Cogan is now presiding.

6 (Honorable Brian M. Cogan takes the bench.)

7 COURTRoom DEPUTY: Calling criminal cause for
8 guilty plea in Docket No. 09-CR--573, *United States of*
9 *America against Earl Morgan.*

10 Counsel, please note your appearances for the
11 record.

12 MS. JAGER: For the United States of America,
13 Assistant United States Attorney Hilary L. Jager.

14 Good afternoon, your Honor.

15 MR. STERN: Lawrence Mark Stern for Earl Morgan.

16 Good afternoon, your Honor.

17 THE COURT: Good afternoon. Be seated, please.

18 All we feed is the defendant.

19 MS. JAGER: Correct.

20 (Defendant enters the courtroom.)

21 COURTRoom DEPUTY: United States versus Earl
22 Morgan, Docket No. 09-CR-573. Counsel state your appearance
23 starting with the defendant.

24 MS. JAGER: Hilary Jager for the United States.

25 Good afternoon, your Honor.

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1 THE COURT: Good afternoon.

2 MR. STERN: Lawrence Mark Stern for Earl Morgan.

3 Good afternoon.

4 THE COURT: Good afternoon. Good afternoon

5 Mr. Morgan.

6 THE DEFENDANT: Good afternoon.

7 THE COURT: We appear for a change of plea. I
8 understand I will ask the courtroom to please swear
9 Mr. Morgan.

10

11 COURTRoom DEPUTY: Raise your right hand.

12

13 EARL MORGAN, having been first duly sworn, was examined and
14 testified as follows:

15

16 THE DEFENDANT: Yes.

17 THE COURT: All right.

18 Mr. Morgan you understand English? That's
19 your language.

20 THE DEFENDANT: Yes.

21 MR. STERN: You can have a, seat you don't have to
22 stand up.

23 Have you had any problem communicating with
24 your lawyer.

25 THE DEFENDANT: No.

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1 THE COURT: Mr. Stern, have you had any difficulty
2 in communicating with Mr. Morgan?

3 MR. STERN: Well, there have been problems in the
4 complexity of the guidelines issues understanding those
5 which is the reason we are finally here at this late hour
6 for the plea but I think he finally does understand and is
7 ready to go.

8 THE COURT: Okay. So, if I understand what you're
9 saying, there have been times when you've spoken to him that
10 he hasn't fully appreciated what you've said but now you're
11 convinced that he does understand what you have told him.

12 MR. STERN: Yes.

13 THE COURT: Okay.

14 Mr. Morgan, before I accept a guilty plea
15 from you, I have to ask you a number of questions to assure
16 myself that it's a valid plea that you know what you're
17 doing and you're doing of it your own free will.

18 If you don't understand any of the questions
19 that I ask you, just let me know and I will rephrase them
20 until you do understand.

21 Okay?

22 THE DEFENDANT: Yes.

23 THE COURT: Now keep in mind you have the right to
24 be represented by a lawyer at every stage of these
25 proceedings, that's if you decided instead that you wanted

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1 to go to trial you'd have a right at everything that happens
2 in the case.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Would you confirm for me, please, that
6 Mr. Stern is your lawyer?

7 THE DEFENDANT: Yes, Mr. Stern is my lawyer.

8 THE COURT: All right.

9 Now, if, at any time, while I'm asking you
10 these questions you want to take a break and talk to him
11 privately about something just let me know that and we'll
12 take a break so you can do that; okay?

13 THE DEFENDANT: Yes.

14 THE COURT: Now, you were just sworn to tell the
15 truth, that's very important. It means that if you were to
16 give me any false answers to the questions I'm about to ask
17 you, you can be prosecuted for a separate crime like perjury
18 or making a false statement.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, please state your full name?

22 THE DEFENDANT: My name is Earl Morgan.

23 THE COURT: Hang on one second. Melonie, can I
24 have microphones, please.

25 Mr. Morgan, how old are you?

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1 THE DEFENDANT: Forty years old.

2 THE COURT: What's the highest grade that you've
3 completed in school?

4 THE DEFENDANT: The 9th grade.

5 THE COURT: Where did you go to school?

6 THE DEFENDANT: Automotive.

7 THE COURT: Where was that?

8 THE DEFENDANT: In Brooklyn near the airport.

9 THE COURT: Did you ever attend any regular public
10 school?

11 THE DEFENDANT: Yes.

12 THE COURT: Was Automotive a public school?

13 THE DEFENDANT: No, that's an Op public school.

14 THE COURT: Okay. What's the public school you
15 went to?

16 THE DEFENDANT: P.S. 20.

17 THE COURT: Now, as you sit here today, is your
18 mind clear?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand what's going on
21 here?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Are you presently or have you
24 recently been under the care of a doctor?

25 THE DEFENDANT: No.

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1 THE COURT: Are you presently, or have you
2 recently been under the care of a psychiatrist?

3 THE DEFENDANT: No.

4 THE COURT: In the last 24 hours, have you taken
5 any kind of narcotic drug?

6 THE DEFENDANT: No.

7 THE COURT: Last 24 hours, have you taken any kind
8 of medication at all?

9 THE DEFENDANT: No.

10 THE COURT: In the last 24 hours, have you had any
11 kind of alcoholic beverage to drink?

12 THE DEFENDANT: No.

13 THE COURT: Have you ever been hospitalized or
14 treated for any kind of mental illness?

15 THE DEFENDANT: No.

16 THE COURT: Have you ever been hospitalized or
17 treated for addiction to drugs or alcohol?

18 THE DEFENDANT: No.

19 THE COURT: All right. Mr. Stern, have you
20 discussed this matter thoroughly with your client?

21 MR. STERN: Yes.

22 THE COURT: In your opinion, is he capable of
23 understanding the nature of these proceedings.

24 MR. STERN: Yes.

25 THE COURT: In your opinion, does he understand

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1 the rights that he'll be waiving by pleading guilty?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any doubt as to his
4 competence to plead at this time?

5 THE DEFENDANT: No.

6 THE COURT: Have you advised him of the maximum
7 sentence and fine that could be imposed?

8 MR. STERN: I have advised him of the maximum
9 sentence but I have not addressed the fine, he is indigent.

10 THE COURT: I understand the fine might not be a
11 significant factor for him but I have to let him know that
12 so I will do as well.

13 Have you discussed with him the operation of
14 the Sentencing Guidelines.

15 MR. STERN: Yes.

16 THE COURT: All right.

17 Mr. Morgan, have you had as much of an
18 opportunity to talk to your lawyer about this case as you
19 feel you need?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you fully satisfied with the
22 representation and advice that he has given you?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, you've gotten a copy of the
25 superseding indictment in this case, that's the charging

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1 instrument against you?

2 THE DEFENDANT: Yes.

3 THE COURT: And have you specifically discussed
4 that indictment with your lawyer?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, Count One of the superseding
7 indictment essentially says the following that on or about
8 July 25th, within the Eastern District of New York, that's
9 here, you possessed a firearm, that is a Bursa .380 caliber
10 semiautomatic pistol and ammunition; and it also charges
11 that when possessed that you had already been convicted of a
12 crime that carried a sentence of more than one year.

13 Do you understand that charge?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, Count Two of the indictment,
16 since it's essentially the same thing but with regard to
17 that firearm, it says that if it has an obliterated serial
18 number on it and that's a separate crime.

19 Have you discussed that with your lawyer?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. Let me go through one of
22 the rights that you're going to be giving up by pleading
23 guilty.

24 The first and most important thing you have
25 to understand is that you don't have to plead guilty even if

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1 you are guilty.

2 Under our legal system, the Government has
3 the burden of proving the guilt of the defendant beyond a
4 reasonable doubt.

5 If the Government cannot or does not meet
6 that burden of proof, then the jury has the duty to find the
7 defendant not guilty even if the defendant is guilty. What
8 that means is that even if you're guilty you have a choice.
9 It's up to you to decide what to do, not your lawyer and not
10 anybody else.

11 You can go ahead and withdraw your
12 previously-entered plea of not guilty and plead guilty as
13 you apparently want to do or you can still choose to go to
14 trial by standing on your not guilty plea and making the
15 Government meet its burden of proving your guilt beyond a
16 reasonable doubt.

17 Do you understand that you have that choice?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, if you wanted to continue to
20 plead not guilty then, under the constitution and laws of
21 the United States, you have a right to a speedy and public
22 trial by jury. We have it set for Monday with the
23 assistance of a lawyer on the charges contained in the
24 indictment.

25 If you went to trial, you'd be presumed

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1 innocent, you wouldn't have to prove that you were innocent.
2 It would be the Government's burden again to overcome that
3 presumption and prove you guilty by competent evidence and
4 beyond a reasonable doubt.

5 Again, if the Government were to fail at
6 that, the jury would have duty to find you not guilty but by
7 pleading guilty, you are giving up your right to have the
8 Government satisfy its burden of proving that you are guilty
9 beyond a reasonable doubt.

10 Do you understand that you are giving up that
11 right?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, if you wanted to go to trial,
14 then the witnesses for the Government would have to come to
15 court and testify in your presence and your lawyer would
16 have the right to cross-examine the witnesses for the
17 Government, to object to evidence offered by the Government,
18 and to offer evidence on your behalf including the right to
19 subpoena witnesses.

20 But by plead guilty you are giving up your
21 right to confront the witnesses who would testify against
22 you at trial. You're also giving up your right to offer
23 evidence on your own behalf and to raise any defenses that
24 you might have.

25 Do you understand that you are giving up

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1 those rights?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, if you went to trial, you'd also
4 have the right to testify on your own behalf. If you chose
5 to do so, however, you could not and would not be required
6 to testify.

7 Under the Constitution of the United States,
8 a defendant in a criminal case can't be forced to take the
9 witness stand at his trial and say anything that could be
10 used to show that he's guilty of the crimes with which he is
11 charged.

12 So, if you wanted to go to trial, but you
13 didn't want to testify, I would tell the jury that they
14 could not hold that choice against you. That's called your
15 right against self-incrimination.

16 By pleading guilty, you are admitting your
17 guilt and you are giving up your right against
18 self-incrimination.

19 Do you understand that you are giving up that
20 right?

21 THE DEFENDANT: Yes.

22 THE COURT: Now, if you continue to want to plead
23 guilty, I have to ask you questions about what you did in
24 order to satisfy myself that you are, in fact, guilty of the
25 charges that you're pleading to.

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1 You're going to have to answer those
2 questions truthfully and acknowledge your guilt. Remember,
3 you took an oath to answer those questions that I asked you
4 truthfully once you plead guilty and I accept your guilty
5 plea, you'll be giving your Constitutional right to a trial
6 all the other rights that I just told you about. There will
7 no further trial of any kindly and I will simply enter a
8 judgment of guilty on the basis of your guilty plea.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, if you wanted to proceed to
12 trial, and you were then convicted by a jury, you'd have the
13 right to ask the Court of Appeals to review the legality of
14 the all the proceedings leading up to your application like,
15 for example, the suppression motion you've had. But by
16 entering a guilty plea, you're substituting your own words
17 for the jury's verdict. And when do you that, you give up
18 your right to appeal or challenge your conviction or the
19 finding of guilt against you.

20 Do you understand that you are giving up that
21 right?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you willing to give up your right
24 to a trial and the other rights that I've just discussed
25 with you?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Now, I understand he's
3 pleading to the indictment; is that correct?

4 MS. JAGER: Yes, your Honor.

5 THE COURT: Okay. Let me go over with you,
6 Mr. Morgan, the sentencing scheme that's going to apply here
7 when it comes time for me to sentence you which will
8 probably be in about three or four months.

9 The offense to which you're pleading guilty
10 to violating in Count One carries a maximum sentence of ten
11 years. It carries a mandatory minimum sentence of zero
12 years. There is no mandatory minimum, so the sentence on
13 that count has to be somewhere between zero and ten years.

14 In addition, there's a maximum supervised
15 release term of three years. Supervised release refers to a
16 series of terms and conditions that are placed upon you when
17 you're released from custody.

18 If you were to violate any of those terms and
19 conditions, you could be returned to prison for up to two
20 years; and if that happened, you wouldn't get any credit for
21 time that you had already served.

22 Now, the statute also provides for a fine of
23 up to \$250,000 which could be imposed upon you but Mr. Stern
24 just said he hasn't had any discussions with you about that
25 because you don't have a lot of money and the fine is

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1 unlikely to be an important factor but it is a theoretical
2 possibility. I want you to understand I could impose a fine
3 of anywhere up to \$250,000.

4 In addition, I will impose a \$100 special
5 assessment against you.

6 Are you a citizen of the United States,
7 Mr. Morgan?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Now, that's Count One.

10 As to Count Two, it carries a maximum
11 sentence of five years. Again, there's no mandatory minimum
12 sentence, so the sentence could be anywhere from zero to
13 five years under the statute. In addition, there's a
14 maximum supervised release term of three years on that count
15 as well.

16 Again, if you violated the terms of your
17 release, you could be returned to prison for up to two years
18 without any credit for time served. And, again, that count
19 also carries a fine, theoretically, of up to \$250,000 and an
20 additional mandatory \$100 special assessment.

21 Now, that's what the statute provides. When
22 it comes time to sentence you, I also I'm going to look at
23 what we call sentencing guidelines that the United States
24 Sentencing Commission has issued for me to consider.

25 What the guidelines do is they basically look

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1 at the nature of your crime and your criminal history and
2 they come up with an initial range of custody as to what the
3 commission is recommending I impose. Those guidelines also
4 have factors in them that can require some adjustment of
5 that range based on the name of your crime, who you are,
6 your history and characteristics. That's what we would call
7 a, "Guideline sentence."

8 Now, I'm not bound to give you that guideline
9 sentence. I can't ignore it, I have to consider it, but I
10 might decide that I guideline sentence for you is not
11 appropriate. The law sets forth a number of factors that
12 I'm going to consider in determining what the appropriate
13 sentence is and the guidelines are just one of them.

14 So, again, it's not binding on me it's just
15 something that I have to consider.

16 When I consider all of those factors that the
17 law provides, I may decide to sentence you to what we call
18 a, "Nonguideline sentence," that is, that's a sentence
19 that's either higher or lower than the recommended guideline
20 range.

21 The bottom line that I want you to understand
22 today is that until the date of sentencing, when I get a
23 presentence report on you from the probation department, and
24 I get to hear from you and I get to hear from your lawyer
25 and I get to hear from the Government, you're not going to

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1 know today with any certainty whether I'm going to impose a
2 guideline sentence, whether I might adjust the guidelines up
3 or down, or whether I might decide to impose a sentence on
4 you that's outside of the guidelines, that is, either higher
5 or lower than the guidelines.

6 In short, you're not going to know today what
7 your sentence is going to be and if you don't like the
8 sentence I imposed you're not going to be able to withdraw
9 your guilty plea.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Nevertheless, I want the lawyers to
13 give you their best estimate today of what the guidelines
14 are likely to say when it comes time to sentence you. Keep
15 in mind, this is only a guess and it may well be wrong.

16 Ms. Jager, what's government's calculation?

17 MS. JAGER: Yes, your Honor.

18 The Government estimates that the defendant
19 base offense level to be a Level 24 with an additional four
20 points for the obliterated serial number. Minus the two
21 points for acceptance of responsibility which is an adjusted
22 offense level of 26.

23 Assuming the defendant is sentenced within
24 Criminal History Category VI, his estimated range of
25 imprisonment would be 120 to 150 months. I also note, I'm

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1 sorry, that the sentence is imposed on Count 1 and Count 2
2 may run consecutively.

3 THE COURT: Okay. That's something else you
4 should be aware of, Mr. Morgan; that is, when I sentence you
5 on Counts 1 and 2 I can make them run at the same time so
6 you don't end up serving any additional time for Count Two
7 or I could decide that they should be served one after
8 another so that you end up serving time on Count 1 and then
9 additional time on Count 2. I'm not going to determine that
10 until the date of sentence.

11 But the guideline range you just heard,
12 120 months to 150 months and, again, that's just an
13 estimate, it could be different than that and I'm not bound
14 by that in any way. It's just something I have to think
15 about along with all the other factors in the law.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. And, again, just to be
19 confirm, do you understand that if I sentence so something
20 more than the guideline range, you're not going to be able
21 to withdraw your plea?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you have any questions you want to
24 ask me about the charges against you or your rights or
25 anything else relating to this matter?

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1 THE DEFENDANT: No, sir.

2 THE COURT: All right. Are you ready to plead?

3 THE DEFENDANT: Yes.

4 MS. JAGER: Your Honor, if I may interrupt? Just
5 with respect to the forfeiture. There is a forfeiture
6 allegation in the superseding indictment that we haven't
7 reviewed yet.

8 THE COURT: The indictment also provides,
9 Mr. Morgan, that the Government has the right to take from
10 you or I guess retain and keep for all time the gun that was
11 taken at the time of your arrest.

12 Do you understand that they're going to keep
13 that gun?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay.

16 MS. JAGER: And for the purposes of completeness
17 the ammunition as well.

18 THE COURT: And the ammunition as well. Do you
19 understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Are you ready to plead?

22 THE DEFENDANT: Yes.

23 MS. JAGER: I'm sorry, your Honor, one more thing.

24 THE COURT: Yes.

25 MS. JAGER: I also don't believe that Mr. Stern

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1 has put on the record whether his guidelines estimate is the
2 same as the Government's in this case.

3 THE COURT: Do you have any reason, Mr. Stern, to
4 think that there is a different guideline collision
5 applicable.

6 MR. STERN: Yes, I think there maybe, Judge. I
7 have to look more closely at it but I'm hopeful that I can
8 find a reduction somewhere in those guidelines.

9 THE COURT: All right. Well, Mr. Morgan, you
10 understand that Mr. Stern is going to try to get that
11 guideline range lowered if he can but there's no guarantee
12 that he'll be able to come up with a theory and no guarantee
13 that I will accept it if he does come up with a theory.

14 THE DEFENDANT: Yes.

15 MR. STERN: Your Honor, I have also, although I've
16 prepared my client for the possibility of consecutive
17 sentences on the two counts. I've also explained to him
18 that I'm going to argue that because of the defacement
19 aspect of the gun is an enhancement both in Count One and is
20 part of Count Two that I hope that I will argue to the Court
21 that concurrence would be the proper sentence in the case
22 and I tend to argue that but I have prepared him for the
23 possibility of consecutive sentences.

24 THE COURT: Again, Mr. Morgan, no guarantee
25 whether I will do consecutive or concurrent but that's an

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1 open issue that will be considered and determined at the
2 time of your sentencing.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 MS. JAGER: Also for the sake of the record, I
6 just want to make clear that the Government may seek an
7 upward -- an above guideline sentence in this case based on
8 the §3553(a) factors and I've communicated that to counsel
9 and I understand that your Honor has also explained that
10 that's a potential but I want to put that on the record that
11 I have had that discussion with Mr. Stern.

12 THE COURT: That's fine.

13 As I've told the defendant, I will determine
14 whether it should be a guideline sentence or a below
15 guideline sentence or an above guideline sentence at the
16 time of sentencing that's something that we cannot know
17 today.

18 MS. JAGER: Yes, your Honor, today.

19 THE COURT: All right.

20 Mr. Stern, do you know of any reason why
21 Mr. Morgan should not plead guilty?

22 MR. STERN: No.

23 THE COURT: Are you aware any legal defense to the
24 charge?

25 MR. STERN: Not one that I think would ultimately

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1 be successful.

2 THE COURT: All right.

3 Mr. Morgan, what is your plea, guilty or not
4 guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: Is that as to Count 1?

7 THE DEFENDANT: Yes.

8 THE COURT: And to Count 2?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you pleading guilty voluntarily
11 and of your own free will?

12 THE DEFENDANT: Yes.

13 THE COURT: Has anyone threatened or forced you to
14 plead guilty?

15 THE DEFENDANT: No.

16 THE COURT: Other than anything that I have said
17 today, has anyone made any promises to you at all to get you
18 to plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Has anyone made any promise to you as
21 to what your final sentence is going to be?

22 THE DEFENDANT: No.

23 THE COURT: All right.

24 Is it correct that on or about the date
25 charged you were in possession of this Bursa firearm?

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1 THE DEFENDANT: Yes.

2 THE COURT: At the time that you possessed it, had
3 you already been convicted of a crime punishable in excess
4 of 13 months.

5 THE DEFENDANT: Yes.

6 THE COURT: All right. And did you know at the
7 time that it had an obliterated serial number on it?

8 THE DEFENDANT: Yes.

9 THE COURT: Where were you when you possessed the
10 firearm?

11 THE DEFENDANT: In the Ingersoll Houses, Fort
12 Greene projects.

13 THE COURT: Tell me in your own words what you
14 did, please, in connection with the charge.

15 THE DEFENDANT: I was in possession of the .380
16 gun.

17 THE COURT: Okay. Is the Government satisfied
18 with the allocution?

19 MS. JAGER: Yes, your Honor.

20 The Government also notes that if the case
21 were to go to trial, the Government would prove beyond a
22 reasonable doubt that the firearm that the defendant is
23 charged with possessing with shipped or transported in
24 interstate or foreign commerce prior to the defendant's
25 possession of it.

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1 This particular manufactured in Argentina and
2 that all the ammunition was manufactured outside the State
3 of New York.

4 I'd also note that the projects he referred
5 to the defendant referred to right now are located in the
6 Eastern District of New York. And I guess I
7 would -- nothing further, your Honor.

8 THE COURT: Okay.

9 Based on the information given to me, I find
10 that the defendant is acting voluntarily; that he
11 understands his rights and the consequences of his plea, and
12 that there's a factual basis for the plea.

13 I, therefore, accept the plea of guilty to
14 Counts 1 and 2.

15 Let's set sentencing for about 90 days out.
16 Melonie, what do we have?

17 COURTROOM DEPUTY: April 29th at 10:45 a.m.

18 Does that work for Counsel?

19 MS. JAGER: For the Government, your Honor.

20 MR. STERN: I'm sorry just one moment.

21 THE COURT: Sure.

22 MR. STERN: April 29th?

23 THE COURT: 10:45.

24 MR. STERN: I'll be here.

25 THE COURT: All right. Anything further.

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1 MS. JAGER: I'm sorry, just to be careful here,
2 did the defendant allocute, I can't remember, that he had
3 been previously convicted of a felony. I know you asked him
4 that.

5 THE COURT: Yes, what was the crime that you were
6 convicted of Mr. Morgan previously?

7 THE DEFENDANT: Conspiracy.

8 THE COURT: Conspiracy to sell drugs?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay.

11 MS. JAGER: And the Government proffers that that
12 was one of three previous felony convictions all of which
13 were over a year.

14 THE COURT: All right.

15 MS. JAGER: Thank you very much, your Honor.

16 THE COURT: I have accepted the plea. We will see
17 each other on April 29th at 10:45 a.m.

18 Thank you very much. We're adjourned.

19 MS. JAGER: Thank you.

20 MR. STERN: Thank you.

21 (Defendant exits from courtroom.)

22 (WHEREUPON, the proceedings were adjourned to April
23 29, 2011 at 10:45 a.m.)

24 * * *

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CERTIFICATE OF REPORTER

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I certify that the foregoing is a correct transcript of the
record of proceedings in the above-entitled matter.

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Anthony D. Frisolone, FAPR, RDR, CRR, CRI
Official Court Reporter

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